

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KADEEM JOHN,  
Plaintiff,

-against-

CITY OF NEW YORK, NEW YORK CITY  
DEPARTMENT OF CORRECTION ("DOC")  
SUPERVISING WARDEN ARTHUR OLIVARI;  
CHIEF OF DEPARTMENT LARRY W. DAVIS,  
SR.; WARDEN EMMANUEL BAILEY;  
DEPUTY WARDEN WALTER NIN;  
CORRECTION OFFICER "DJ" DOE; and  
CORRECTION OFFICER JOHN DOES #1-#5,

Defendants.

No. 11 Civ. 5610 (RPP)

**DECLARATION OF ADAM R.  
PULVER, ESQ., IN SUPPORT  
OF PLAINTIFF'S MOTION FOR  
SANCTIONS FOR SPOILIATION**

ADAM R. PULVER, declares under penalty of perjury, pursuant to 28 U.S.C. §  
1746, that the following is true and correct as follows:

1. I am an associate at the law firm Emery Celli Brinckerhoff & Abady LLP,  
attorneys for Plaintiff in the above-captioned matter. I submit this declaration in support of  
Plaintiff's motion for sanctions for spoliation.
2. Attached hereto as Exhibit 1 is a true and correct copy of a letter sent from  
Rachel Goldberg of the Legal Aid Society to Florence Finkle of the New York City Department  
of Correction ("DOC"), dated July 12, 2010.
3. Attached hereto as Exhibit 2 is a true and correct copy of a letter sent from  
Florence Finkle to Rachel Goldberg, dated July 23, 2010.
4. Attached hereto as Exhibit 3 is a true and correct copy of a Notice of  
Claim dated July 20, 2010, and marked received by the City of New York on July 28, 2010.

5. Attached hereto as Exhibit 4 is a true and correct copy of an e-mail sent from Jonathan Chasan of the Legal Aid Society to Florence Finkle, dated July 11, 2011.

6. Attached hereto as Exhibit 5 is a true and correct copy of an e-mail sent from Florence Finkle to Jonathan Chasan, dated July 25, 2011.

7. Attached hereto as Exhibit 6 is a true and correct copy of an "Unusual Incident Report," produced by Defendants in this case and dated September 14, 2011.

8. Attached hereto as Exhibit 7 is a true and correct copy of a memorandum from Jerome Davis, Supervising Warden, to Warden William Clemons, produced by Defendants in this case and dated July 15, 2011.

9. Attached hereto as Exhibit 8 is a true and correct copy of an "Injury to Inmate Report," produced by Defendants in this case and dated August 19, 2010.

10. Attached hereto as Exhibit 9 is a true and correct copy of a memorandum from M. Butler, DOC Assistant Deputy Warden, to Defendant Emmanuel Bailey, produced by Defendants in this case and dated June 29, 2010.

11. Attached hereto as Exhibit 10 is a true and correct copy of a "Report and Notice of Infraction," produced by Defendants in this case and dated June 29, 2010.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 7, 2012  
New York, New York



---

ADAM R. PULVER